

Executive Department

State of California

EXECUTIVE ORDER B-57-18

WHEREAS on November 8, 2018, a state of emergency was proclaimed in Butte County as a result of the Camp Fire; and

WHEREAS on November 9, 2018, a state of emergency was proclaimed in Los Angeles County and Ventura County as a result of the Hill Fire and Woolsey Fire; and

WHEREAS red flag fire weather conditions, including extremely high temperatures and low humidity, coupled with particularly dry vegetation, have made the 2018 fire season the most destructive and deadly on record; and

WHEREAS California will require immediate additional resources to assist in responding to, recovering from, and mitigating the effects of these wildfires; and

WHEREAS the wildfires have destroyed thousands of homes and other structures, creating an enormous amount of hazardous debris; and

WHEREAS this hazardous debris, which is comprised of dangerous toxins including heavy metals such as arsenic, cadmium, copper, lead, and asbestos and must be removed cautiously and expeditiously; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with the various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the wildfires; and

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. All provisions contained in the above-referenced Proclamations shall remain in full force and effect.
2. State statutes, rules, regulations and requirements are hereby suspended to the extent they apply to the following activities: (a) removal, storage, transportation, and disposal of hazardous and non-hazardous solid waste and debris resulting from the wildfires that have burned and continue to burn in areas that are subject to the jurisdiction of agencies within the California Environmental Protection Agency and the California Natural Resources Agency; and (b) necessary restoration and rehabilitation of timberland, streams, rivers, and other waterways. Such statutes, rules, regulations and requirements are hereby suspended only to the extent necessary for expediting the removal and cleanup of debris from the wildfires, and for implementing any restoration plan. Individuals who desire to conduct activities under this suspension of statutes, rules, regulations, and requirements shall first request that the appropriate Agency Secretary, or his

delegate, make a determination that the proposed activities are eligible to be conducted under this suspension. The Secretary for the California Environmental Protection Agency and the Secretary for the California Natural Resources Agency shall use sound discretion in applying this Executive Order to ensure that the suspension serves the purpose of accelerating cleanup and recovery, while at the same time protecting public health and the environment. This order shall apply to, but is not necessarily limited to: solid waste facility permits; waste discharge requirements for storage and disposal; emergency timber harvesting; emergency construction activities; and waste discharge requirements and/or Water Quality Certification for discharges of fill material or pollutants. To the extent it is within their administrative authority, the boards, departments and offices within the California Environmental Protection Agency and the California Natural Resources Agency shall expedite the granting of other authorizations, waivers or permits necessary for the removal, storage, transportation, and disposal of hazardous and non-hazardous debris resulting from the wildfires, and for other actions necessary for the protection of public health and the environment.

3. The Governor's Office of Emergency Services shall ensure adequate state staffing to expedite disaster response and recovery efforts. Consistent with applicable federal law, work hour limitations for retired annuitants and permanent and intermittent personnel are suspended. Furthermore, reinstatement and work hour limitations in Government Code sections 21220, 21224(a), and 7522.56(b), (d), (f), and (g), and the time limitations in Government Code section 19888.1 and California Code of Regulations, title 2, sections 300-303 are suspended. The Director of the California Department of Human Resources must be notified of any individual employed pursuant to these waivers.
4. The provisions of Penal Code section 396, subdivisions (b) and (c), prohibiting price gouging in times of emergency, will remain in effect until November 8, 2019, for Butte, Los Angeles, and Ventura Counties. The time limitations under those subdivisions are hereby waived.
5. The fourteen day time period in Health and Safety Code section 101080, within which local governing authorities must renew a local health emergency, is hereby waived. Any local health emergencies proclaimed as a result of the debris generated by these wildfires debris will remain in effect until each local governing authority terminates its respective health emergency.
6. The thirty day time period in Government Code section 8630, within which local governing authorities must renew a local emergency, is hereby waived. Any local emergencies proclaimed as a result of these wildfires will remain in effect until each local governing authority terminates its respective emergency.
7. The United States Environmental Protection Agency, the Federal Emergency Management Agency, or any other individual or entity performing work at their direction, shall have full power to provide mutual aid to the State of California and any areas affected by a local health emergency and will have the authority to enter private property in all impacted counties to remove debris that may contain hazardous substances, and to conduct any testing appropriate to ensure the hazards are mitigated. Any section of the Health and Safety Code permitting the immediate removal of this hazardous debris, including but not limited to section 101085, shall apply to and include the actions of the United States Environmental Protection Agency, the Federal Emergency Management Agency, or any individual or entity performing work at their direction, as if those agencies were a political subdivision or state agency for all purposes related to this operation.

8. State statutes, rules, regulations and requirements set forth in the Mobilehome Parks Act (Health and Safety Code section 18200 et seq., and California Code of Regulations, title 25, section 1000 et seq.), and the Special Occupancy Parks Act (Health and Safety Code section 18860 et seq., and California Code of Regulations, title 25, section 2000 et seq.), are suspended in Butte, Los Angeles, and Ventura Counties, as these laws pertain to disaster survivors in the impacted counties, for three years after the date of this Executive Order in order to quickly provide housing for those displaced by the wildfires.
9. The Department of Housing and Community Development and local enforcement agencies, including those with delegated disaster authority, will jointly develop permitting, operating, and construction standards to maintain reasonable health and safety standards for the disaster survivors, the residents and the surrounding communities in the impacted areas in Butte, Los Angeles, and Ventura Counties. Such standards shall provide reasonable consistency with appropriate fire, health, flood, and other factors normally considered in the mobilehome or special occupancy park approval process for the construction of a new park or manufactured home installation standards and accessory buildings or structures during the three-year suspension authorized by this Executive Order.
10. All fees assessed by the state and local enforcement agencies that are authorized by the Mobilehome Parks Act, as required by Health and Safety Code section 18500 et seq., and the Special Occupancy Parks Act section 18870 et seq., are suspended and shall be waived by the Department of Housing and Community Development for three years after the date of this Executive Order with regard to manufactured home installation and recreational vehicle use for disaster survivors who are owners or occupants of a manufactured home or mobilehome, or recreational vehicle, whose homes were damaged or destroyed as a result of the wildfires located in Butte, Los Angeles, and Ventura Counties.
11. All fees assessed by the state and local enforcement agencies that are authorized by the Mobilehome Parks Act as required by Health and Safety Code section 18503 and California Code of Regulations, title 25, section 1020.1, are suspended and shall be waived by the Department of Housing and Community Development, including fees for any required inspections or plan checking, for any disaster survivor who is an owner or occupant of a manufactured home or mobilehome whose home was damaged or destroyed as a result of the wildfires located in Butte, Los Angeles, and Ventura Counties.
12. All fees assessed by the state and local enforcement agencies that are authorized by the Manufactured Housing Act (Health and Safety Code section 18000 et seq., and California Code of Regulations, title 25, section 4000 et seq.), as required by Health and Safety Code section 18031 and California Code of Regulations, title 25, section 4044, are suspended and shall be waived by the Department of Housing and Community Development, including fees for any required inspections or plan checking, for any owner or occupant of a manufactured home or mobilehome whose home was damaged or destroyed as a result of the wildfires located in Butte, Los Angeles, and Ventura Counties.

13. All fees assessed by the state and local enforcement agencies that are authorized by the Manufactured Housing Act, as described in Health and Safety Code sections 18075, 18114, and 18116, are suspended and fees shall be waived by the Department of Housing and Community Development, including any fees for the late renewal of registration certificate or certificate of title for a manufactured home or mobilehome, by any owner or occupant that is a disaster survivor and whose home was damaged or destroyed as a result of the wildfires located in Butte, Los Angeles, and Ventura Counties.
14. All fees assessed by the state and local enforcement agencies that are authorized by the Manufactured Housing Act, as set forth at Health and Safety Code section 18075 and chapter 5 (commencing with section 5510) of the California Code of Regulations, title 25, related to establishing proof of ownership, are suspended and shall be waived for any mobilehome or manufactured home resident whose home was damaged or destroyed by the identified wildfires located in Butte, Los Angeles, and Ventura Counties, for three years of the date of this Executive Order. This waiver shall include, but not be limited to, processing fees for duplicate certificates of title or registrations, salvage applications and salvage certificates, the processing fees and costs for establishing registered ownership pursuant to article 3.5 (commencing with section 5535) of the California Code of Regulations, title 25, and other related fees.
15. The planning and zoning requirements in Government Code sections 65853 through 65863.13 as applicable to housing projects in the impacted counties, are suspended for three years after the date of this Executive Order, for recreational vehicles, mobilehomes and manufactured homes and mobilehome and special occupancy parks damaged or destroyed as a result of the wildfires in Butte, Los Angeles, and Ventura Counties.
16. Any local government zoning and land use ordinances in Butte, Los Angeles, and Ventura Counties, as authorized by the state statutes and regulations suspended by paragraphs 8 and 15 of this Executive Order, that would preclude the placement and use of a manufactured home, mobilehome, or recreational vehicle on a private lot outside of a mobilehome park or special occupancy park for use during the reconstruction or repair of a home damaged or destroyed by the wildfires or subsequent floods and debris flows, are suspended for three years after the date of this Executive Order for the individuals impacted by those events. Those individuals placing manufactured homes, mobilehomes, or recreational vehicles on lots pursuant to this paragraph shall obtain permits as described in paragraph 9.
17. In order to quickly provide relief from interest and penalties, the provisions of Revenue and Taxation Code sections 6592 and 6593, requiring the filing of a statement under penalty of perjury setting forth the facts for a claim for relief, are suspended for a period of 60 days after the date of this Executive Order for any individuals or businesses who are unable to file a timely tax return or make a timely payment as a result of the wildfires in the impacted counties.

18. Under the Property Tax Postponement program, homeowners who are seniors, blind, or have a disability may defer current-year property taxes on their principal residence if they meet certain criteria, including 40 percent equity in the home and an annual household income of \$35,500 or less. To allow counties time to reappraise the value of property to account for fire damage, the requirement in Revenue and Taxation Code section 20622 that the homeowner file the claim with the Controller by February 10, 2019, is waived as to homeowners in the affected counties. Claims must instead be filed by June 1, 2019.
19. The Franchise Tax Board, the Board of Equalization, the Department of Tax and Fee Administration, and the Office of Tax Appeals shall use their administrative powers where appropriate to provide those individuals and business impacted by the wildfires with the extensions for filing, audits, billing, notices, assessments, and relief from subsequent penalties and interest.
20. Any fairgrounds that the Office of Emergency Services determines are suitable for temporary sheltering for fire survivors shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and can immediately utilize the fairgrounds without the fairground board of directors' approval.
21. Any state-owned properties that the Office of Emergency Services determines are suitable for temporary sheltering for fire survivors shall be made available to the Office of Emergency Services for this purpose.
22. The Office of Emergency Services shall evaluate state properties that can be refurbished or improved to be made suitable for temporary sheltering. The costs associated with making these properties suitable for temporary sheltering shall be paid for utilizing California Disaster Assistance Act funding, pursuant to Government Code section 8680 et seq., and Code of Regulations, title 19, section 2900 et seq.
23. In order to ensure hospitals, clinics and other health facilities remain open, the Director of the Department of Public Health may waive any of the licensing requirements of Chapters 1 and 2 of Division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital, clinic or health facility identified in Health and Safety Code section 1200, section 1206, subdivisions (d) and (h), and section 1250, that is impacted by the fires. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to remain open while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with their disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.
24. To address the needs for assisted living facilities, adult residential facilities, child care facilities, children's residential facilities, resource family homes, and other similar facilities within the Department of Social Services' jurisdiction, the Director of the Department of Social Services may waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations or written directives, with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 14th day of November 2018.


EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State